

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

ROXANNE COLEMAN,

Defendant.

Case No.: 1:20-cv-00759-NODJ-SKO (PC)

**ORDER VACATING FURTHER
PRETRIAL CONFERENCE AND JURY
TRIAL AND ASSOCIATED DEADLINES**

**ORDER SCHEDULING STATUS
HEARING FOR APRIL 25, 2024 AT 9:30
a.m. VIA ZOOM VIDEOCONFERENCE**

Plaintiff Devonte B. Harris is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

I. RELEVANT BACKGROUND

On July 24, 2023, then assigned District Judge Ana de Alba issued a Final Pretrial Order in this action, scheduling the matter for jury trial on February 21, 2024, at 8:30 a.m. in Courtroom 1 and setting forth associated deadlines. (Doc. 70.) A minute order issued that same date set the matter for a further pretrial conference on January 8, 2024, at 1:30 p.m. before Judge de Alba via Zoom videoconference. (*See* docket entry dated 7/24/23.)

On December 1, 2023, Chief District Judge Kimberly J. Mueller issued an Order of Temporary Reassignment to No District Judge (NODJ) in this action. (Doc. 73.)

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II. DISCUSSION

Because this action will not be tried before Judge de Alba,¹ the Court will vacate the January 8, 2024, further pretrial conference, and the February 21, 2024, jury trial dates and associated deadlines, and will set the matter for a status hearing to be held April 25, 2024, at 9:30 a.m. via Zoom videoconference. At that time, the undersigned will consider resetting the further pretrial conference and jury trial to be heard by the newly appointed district judge, assuming he or she has been confirmed and appointed to office by that date.

\Defense counsel is directed to file a status report advising the Court of any change in the status of the case and, if a new district judge has been assigned to this action on that date, any suggested dates for a further pretrial conference and jury trial.

III. CONCLUSION AND ORDER

For the reasons set forth above, **IT IS HEREBY ORDERED** that:

1. The further pretrial conference set for January 8, 2024, at 1:30 p.m., and jury trial set for February 21, 2024, at 8:30 a.m., in Courtroom 1, are **VACATED**;
2. This matter is **SET** for a Status Hearing on **April 25, 2024, at 9:30 a.m.**, via Zoom videoconference, before the undersigned;
3. Defense counsel **SHALL** arrange for Plaintiff to appear at the status hearing via Zoom videoconference. The Court will issue a writ of habeas corpus *ad testificandum* when appropriate and as necessary; and
4. Defense counsel **SHALL** file a status report **no later than April 18, 2024**.

IT IS SO ORDERED.

Dated: **December 4, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹For additional information, *see* “Eastern District of California U.S. District Court Adopts Interim Emergency Plan for Managing Fresno Caseload Pending Appointment of New District Judge” at <https://www.caed.uscourts.gov/caednew/assets/File/CAED%20Interim%20Plan%20Fresno%20Final.pdf>.